

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Avocet Sports Tech., Inc.,

NO. C 11-04049 JW

Plaintiff,

NO. C 12-02234 JSC

v.

NO. C 12-02235 DMR

Garmin Int'l., Inc., et al.,

**ORDER GRANTING MOTION TO
RELATE**

Defendants.

v.

Polar Electro, Inc.,

Defendant.

v.

Casio America, Inc.,

Defendant.

Presently before the Court is Plaintiff's Motion to Relate.¹ In its Motion to Relate, Plaintiff contends that Avocet Sports Technology, Inc. v. Garmin International, Inc., et al., No. C 11-04049

¹ (Administrative Motion to Consider Whether Cases Should Be Related, hereafter, "Motion," Docket Item No. 116 in No. C 11-04049 JW.)

JW, should be related to two recently filed cases² on the ground that all three cases “arise of [sic] and concern the identical U.S. Patent, [namely,] Patent No. 5,058,427.” (Motion at 1.) To date, no party has filed an opposition to the Motion to Relate.

Civil Local Rule 3-12(a) provides:

An action is related to another action when:

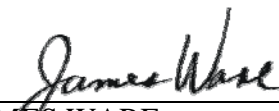
- (1) The action concerns substantially the same parties, property, transaction or event; and
- (2) It appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different judges.

Upon review, the Court finds that this case is related to the 2012 Cases within the meaning of Civ. L.R. 3-12(a). In particular, the Court finds that all three cases concern allegations of infringement of the same patent by various Defendants,³ which means that the cases are all related, pursuant to Rule 3-12(a).

Accordingly, the Court ORDERS that the Clerk immediately relate this case to Avocet Sports Technology, Inc. v. Polar Electro, Inc., No. C 12-02234 JSC and Avocet Sports Technology, Inc. v. Casio America, Inc., No. C 12-02235 DMR

The parties in the new actions shall appear for the Case Management Conference currently set in No. C 11-04049 for **May 14, 2012 at 10 a.m.**

Dated: May 10, 2012


 JAMES WARE
 United States District Chief Judge

² The recently filed cases are: (1) Avocet Sports Technology, Inc. v. Polar Electro, Inc., No. C 12-02234 JSC; and (2) Avocet Sports Technology, Inc. v. Casio America, Inc., No. C 12-02235 DMR (collectively, the “2012 Cases”).

³ On March 22, 2012, the Court granted two Defendants’ motions to dismiss in this case, and observed that it was “not clear from the Complaint that Defendants [were] properly joined.” (Order Granting Defendants’ Motions to Dismiss with Leave to Amend at 9 n.16, Docket Item No. 109 in No. C 11-04049 JW.) In light of that Order, Plaintiff dismissed its claims against Defendants Polar Electro, Inc. and Casio America, Inc. without prejudice to refile separate actions against those two Defendants. (See Docket Item No. 112 in No. C 11-04049 JW.) Subsequently, Plaintiff filed separate actions against those two Defendants, i.e., the 2012 Cases.

THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

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Dated: May 10, 2012

Richard W. Wieking, Clerk

By: /s/ JW Chambers
William Noble
Courtroom Deputy